

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ALLEGHANY

AMANDA J. HARLESS

Plaintiff,

v.

**BODDIE-NOELL ENTERPRISES, INC. D/B/A
HARDEE'S OF COVINGTON,**

**Serve: CT Corporation System, R/A
4701 Cox Road, Suite 285
Glen Allen, VA 23060**

and

JUSTIN CLARKE,

**Serve: 911 Potts Creek Road
Covington, VA 24426.**

Defendant.

Case No. CL21-310

COMPLAINT

COMES NOW the Plaintiff, Amanda J. Harless, and files this her Complaint against the Defendants.

PARTIES

1. Amanda J. Harless ("Amanda" or "Plaintiff") is a natural person and a citizen of the Commonwealth of Virginia residing in Selma, Virginia.
2. Justin Clarke ("Mr. Clarke") is a natural person and a citizen of the Commonwealth of Virginia residing in Covington, Virginia.

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3. Boddie-Noell Enterprises, Inc. d/b/a Hardee's of Covington ("Hardee's") is a corporation organized under the law of North Carolina and authorized to transact business in Virginia.

4. Hardee's is registered with the Virginia State Corporation commission and conducts business in the Commonwealth of Virginia by, among other things, owning and/or operating a parcel located at 1122 South Alleghany Avenue, Covington, Virginia where a Hardee's restaurant is located.

5. Hardee's is responsible for the actions and inactions of its employees, agents, servants, workmen, partners, franchisors, and/or joint venturers (collectively "Hardee's"), including Mr. Clarke.

6. At all times and places pertinent to this action, Hardee's was acting through its employees, agents, servants, workmen, partners, franchisors, and/or joint venturers, including, but not limited to, Mr. Clarke, under the doctrines of *respondeat superior*, agency, partnership, corporate liability, and/or other applicable doctrines.

JURISDICTION AND VENUE

7. This Court has personal jurisdiction pursuant to Va. Code § 8.01-328.1(A)(3).

8. This Court has subject matter jurisdiction as to all claims asserted herein pursuant to Va. Code § 17.1-513.

9. Venue is appropriate pursuant to Va. Code § 8.01-262.

FACTS

10. On or about October 20, 2020, Amanda visited Hardee's at its Covington, Virginia location 1122 South Alleghany Avenue, Covington, Virginia.

11. Amanda was lawfully on the premises.

12. On or about October 20, 2020 Amanda slipped and fell on the wet floor at Hardee's Covington, Virginia location, resulting in the serious injuries described below.

13. On or about October 20, 2020, Justin Clarke was working as a manager at the Hardee's in Covington, Virginia.

14. Amanda's fall occurred as she walked across the lobby floor towards the door.

15. An employee of Hardee's had recently mopped or cleaned the floor prior to Amanda's fall.

16. The floor was left wet by Hardee's.

17. There were no signs or displays warning of a wet floor.

18. Hardee's knew, or should have known, that leaving the floor wet without a warning sign or display created an unsafe condition.

19. Amanda acted reasonably and exercised ordinary care at all times.

20. The wet floor was not open and obvious to an individual exercising ordinary care.

21. The danger posed by the wet floor was not open and obvious to Amanda.

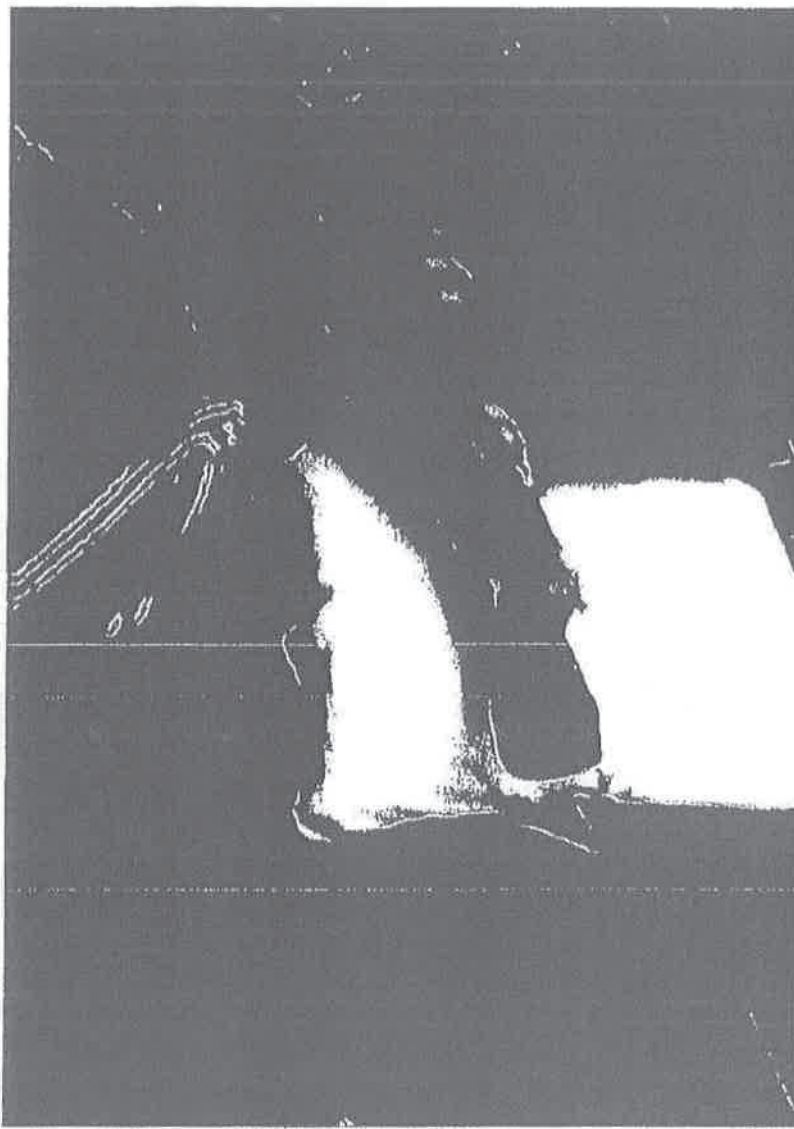
22. As a result, Amanda slipped and violently fell to the floor, resulting in significant injury as discussed below.

23. The manager on duty at the time of Amanda's fall, Mr. Clarke, witnessed the fall.

24. Upon information and belief, Mr. Clarke agreed that Amanda fell as she walked across the lobby floor.

25. She slipped on the tile-like floor, as depicted below, and landed on a nearby floormat.

26. Amanda felt immediate pain as she suffered significant injuries, including fractured bones in her right ankle, as depicted below:



27. Amanda has endured numerous medical treatments, including surgeries, conservative care, and medical testing, all of which are causally related to the fall she suffered.

28. Defendants owed a duty of care to persons lawfully on the premises, including but not limited to invitees and licensees.

29. Defendants owed a duty to use reasonable care to maintain the store in a safe condition for persons lawfully on said premises, including Amanda.

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30. Defendants owed a duty of care to warn persons lawfully on the premises, including Amanda, of the dangerous condition created by the wet floor.

31. Defendants owed a duty of ordinary care to prevent injury to Amanda.

32. Defendants did not use ordinary care to avoid causing a danger of injury to Amanda.

33. Defendants negligently did not warn Amanda of the unsafe condition which they knew, or by the use of ordinary care, should have known.

34. Defendants' conduct created a risk of harm to Amanda.

35. Defendant Hardee's is liable for the negligent actions and inactions of its employees, agents, servants, workmen, partners, franchisors, and/or joint venturers, including Mr. Clarke, which were the proximate result of Amanda's injuries.

36. As a proximate result of the negligence of the Defendants, Amanda fell and suffered serious and permanent injuries, including severe fractures in the right ankle.

37. Amanda seeks to be fully and fairly compensated to the fullest extent permitted under the law of the Commonwealth of Virginia for her injuries and damages proximately caused by the Defendants' negligence.

38. Plaintiff requests a trial by jury on all issues so triable.

WHEREFORE, Plaintiff, Amanda J. Harless, respectfully requests that this Court enter judgment in her favor and against Defendants in the amount of ONE MILLION DOLARS (\$1,000,000), plus her costs and pre-judgment interest from October 20, 2020.

AMANDA J. HARLESS

By:


Of Counsel

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IN THE CLERK'S OFFICE OF THE
ALL GHANY COUNTY CIRCUIT COURT, TESTE:
CLERK'S FEE: \$290.00 DEBRA N. BYER, CLERK
WRIT TAX: 25.00 by Matthew Broughton
MISC. FEES: 55.00
TOTAL PAID: 370.00 (*D.C. J.) CLERK